



POLICY BRIEF

Research: Strengthening the Position and the Roles of the National Commission on Human Rights in Supporting the Achievement of the Sustainable Development Goals in Indonesia

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Policy Brief

Research: Strengthening the Position and the Roles of the National Commission on Human Rights in Supporting the Achievement of the Sustainable Development Goals in Indonesia¹

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INTRODUCTION

- The position and the roles of the National Commission on Human Rights (NCHR) in supporting the achievement of the Sustainable Development Goals (SDGs) in Indonesia related to human rights has not yet optimally structurally accommodated by the government.² There are a number of recommendations to overcome this matter based on the research findings down below.

RESEARCH FINDINGS

- The legal basis for the NCHR to be involved in the SDGs is based on the Law of the Republic of Indonesia Number 39 of 1999 concerning Human Rights (Law 39/1999) as well as other laws that are related to human rights.³ All goals in the SDGs could be connected to human rights articles regulated under the Law No 39/1999; nonetheless not all of the targets are relevant with the Law 39/1999.⁴
- Although the NCHR is supported by a strong legal basis, however, in technical implementation, the NCHR has yet to be maximally involved by the government in a structural manner in the regulations and decision that specifically regulate the implementation of the SDGs in Indonesia.⁵ There are one president regulation, one minister regulation, and one minister decision which are very strategic in regulating the implementation of the SDGs in Indonesia, however, the NCHR has not received sufficient roles in these regulations and decision.⁶ The aforementioned regulations are the President Regulation Number 59 Year 2017 concerning the Implementation to Achieve the Sustainable Development Goals (President Regulation 59/2017) and the Minister of National Development Planning / Head of National Development Planning Agency of the Republic of Indonesia Regulation Number 7 Year 2018 concerning Coordination, Planning, Supervision, Evaluation and Report on the Implementation of the Sustainable Development Goals (Minister of NDP / Head of NDPA Regulation 7/2018).⁷ The decision is the Minister of National Development Planning / Head of National Development Planning Agency Decision Number Kep.127/M.PPN/HK/11/2018 concerning the Establishment of the Implementation Team, Working Group, and Expert Team on the Sustainable Development Goals Year 2017-2019 (Minister of NDP / Head of NDPA Decision 127/M.PPN/HK/11/2018).⁸

² Ibid., Chapters 1 and 4.

³ Ibid, Chapter 2.

⁴ Ibid.

⁵ Ibid., Chapters 1 and 4.

⁶ Ibid.

⁷ Ibid.

⁸ Ibid., Chapter 4.

- Nonetheless, although the NCHR is not maximally involved in the two regulations and one decision above, the NCHR managed to exert its role beyond Goals 5 and 16, although admittedly there are rooms of improvement.⁹ One of the prominent aspects in need of improvement is the strengthening and the internal readiness of the NCHR itself in supporting the achievement of the SDGs relating to human rights.¹⁰
- The position and the roles of the NCHR should be integrated into the revision of the two national level regulations and one national level decision pertaining to the SDGs.¹¹ The government should immediately revise the two regulations and one decision due to the presence of an urgent aspect in need of revision.¹² The two regulations are still utilizing the National Middle-Term Development Plan for 2015-2019 (NMTDP 2015-2019) as the basis to implement the SDGs.¹³ It is important to underline that currently the government has enacted the National Middle Term Development Plan for 2020-2024, thus the NMTDP 2015-2019 is no longer relevant to be used as the basis to implement the SDGs by the President Regulation 59/2017 and the Minister of NDP / Head of NDPA Regulation 7/2018.¹⁴ For the Minister of NDP / Head of NDPA Decision 127/M.PPN/HK/11/2018, the memberships of the SDGs Implementation Team and the Working Group are no longer effective since the end of 2019.¹⁵
- Should the NCHR be involved in the two regulations and one decision, its work's main focus would be to supervise and ensure that all of the SDGs activities are not in violation of human rights but supporting the implementation of human rights.¹⁶ In principle, the focus of the work for the NCHR must be in accordance with the purpose, function, duty, and authority granted by the Law 39/1999.¹⁷ Technically, the NCHR could be placed as the supervisor in all of the SDGs where the targets are relevant to human rights in the revision of the President Regulation 59/2017 and the Minister of NDP / Head of NDPA Regulation 7/2018.¹⁸ The representatives of the NCHR could also be placed as the supervisors in all targets of the SDGs that are relevant with human rights in the revision of the Minister of NDP / Head of NDPA Decision 127/M.PPN/HK/11/2018.¹⁹

⁹ Ibid., Chapter 3.

¹⁰ Ibid., Chapters 3-4.

¹¹ Ibid., Chapter 4.

¹² Ibid.

¹³ Ibid.

¹⁴ Ibid.

¹⁵ Ibid.

¹⁶ Ibid.

¹⁷ Ibid.

¹⁸ Ibid.

¹⁹ Ibid.

- The government will actually benefit from the NCHR's structural involvement in achieving the SDGs, taking into account the government responsibility of the protection of human rights in Indonesia.²⁰ If the NCHR is able to be added into the aforementioned two regulations and one decision as well as adequately exercises its role in supervising the human rights implementation of the SDGs as mentioned, then this may be said as a significant path in the integration effort of the SDGs and human rights in Indonesia.²¹ The NCHR will secure a strategic position to ensure that the implementation of the SDGs in Indonesia is conducted in accordance with human rights in a more structured manner.²²

SUMMARY ON THE INITIAL RECOMMENDATIONS

- The NCHR needs to recommend the importance of the NCHR's involvement in the revision of the President Regulation 59/2017, the Minister of NDP / Head of NDPA Regulation 7/2018, and the Minister of NDP / Head of NDPA Decision 127/M.PPN/HK/11/2018 as a supervisor in all goals of the SDGs by utilizing human rights approach.²³ It is expected that the government would support the recommendation to ensure human rights are implemented in the SDGs activities.²⁴
- The Danish Institute for Human Rights is also expected to continue to assist the NCHR in enhancing the internal capacity of the NCHR in the field of the SDGs and human rights.²⁵

²⁰ Ibid.

²¹ Ibid.

²² Ibid.

²³ Ibid.

²⁴ Ibid.

²⁵ Ibid.

